

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

CHANDLER B. WHITTAKER)

Case No. 1:19-MJ-234 (ATB)

Defendant(s))

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. In or about 2018 in the county of Schenectady in the Northern District of New York the defendant violated:

Code Section
18 USC § 2252A(a)(5)(B)

Offense Description
Possession of Child Pornography

This criminal complaint is based on these facts:
See Attached Affidavit

☒ Continued on the attached sheet.

Attested to by the Applicant in Accordance with
the Requirements of Rule 4.1 of the Federal
Rules of Criminal Procedure.

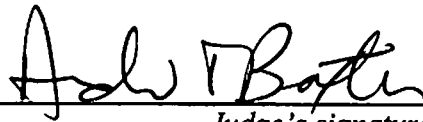


Complainant's signature

DAVID C. FALLON, SA FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: April 15, 2019



Judge's signature

City and State: Syracuse, NY

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, David C. Fallon, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have so employed been since May, 1991. I am assigned to the Albany Division, Albany, NY. My assignments include investigating violations of Federal Law—specifically, violent criminal offenses against children, including those involving the sexual exploitation of children. Prior to my employment as a Special Agent, I was an attorney licensed to practice law in the State of Rhode Island.

2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7)—that is, I am an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). As an FBI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the possession, receipt and distribution of child pornography and sexual exploitation of minors, specifically those involving the exploitation of a minor for sexual purposes in violation of Titles 18, United States Code, Sections 2252 and 2252A.

3. I make this affidavit in support of a criminal complaint charging CHANDLER WHITTAKER, hereinafter WHITTAKER, with knowingly possessing child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18 United States Code, Section 2252A(a)(5)(B).

4. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers, and on my experience and training as a

Special Agent of the FBI. As this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that CHANDLER WHITTAKER has violated Title 18, United States Code, Section 2252A(a)(5)(B).

Details of the Investigation

5. On February 13, 2019, the Rotterdam Police Department (RPD), Rotterdam, NY, initiated an investigation after receiving information from the owner of a local computer repair shop that a laptop computer that was brought into his shop for repair contained sexually explicit images of children. Subsequently, RPD Investigators learned that on December 26, 2018, WHITTAKER'S father brought a laptop computer to a computer repair shop in Schenectady, NY advising that the device was inoperable and requesting a data back-up of the files. WHITTAKER'S father indicated that the computer belonged to his son Chandler. The shop owner reported to investigators that the father's son accompanied him to the repair shop and provided the passcode needed to gain access to the computer.

6. While performing the data back-up on the laptop provided by WHITTAKER's father, the repair shop owner observed images of prepubescent children including an image which he described as a prepubescent female performing oral sex on an adult male. RPD Investigators viewed the aforementioned image and confirmed that it depicted a prepubescent female performing oral sex upon the penis of an adult male. RPD Investigators provided the shop owner with a clean thumb drive and the shop owner placed the laptop data back-up on the thumb drive. Thereafter, RPD Investigators applied for and received a state search warrant for the hard drive of the laptop computer and the thumb drive containing the contents of the data back-up.

7. Pursuant to the search warrant, investigators reviewed the contents of the data back-

up on the thumb drive. On the thumb drive, investigators observed several folders including one labeled "Downloads." According to an RPD Investigator, when he reviewed the contents of this folder, he observed approximately 2000 images, many which depicted minors engaged in sexually explicit poses and/or conduct. Upon further observation, the investigator located a folder labeled "lil" which contained numerous sexually explicit images of children. The file path of this particular folder is: Pictures/imo/us history/lil.

8. On February 26, 2019, your affiant was provided with a copy of the thumb drive that contained the data back-up of WHITTAKER'S laptop computer. A review of the files on the thumb drive confirmed the observations of the RPD Investigator. In particular, your affiant observed a folder labeled "Downloads" which contained over 2000 images. Many of these images depict children engaged in sexually explicit poses. For example, the following images were observed:

a. An image labeled "jailbait blowjob.jpg" depicts an approximately 10 year old female performing oral sex on the penis of an adult male. Written on the image is the caption "you'll do anything to make your daughter happy."

b. An image labeled "braces ss9.jpg" depicts an approximately 12-14 year old female lying naked on a bed with her legs spread apart displaying her vaginal area in a lewd and lascivious manner.

c. An image labeled "jailbait14.jpg" depicts an approximately 11-12 year old female lying naked on her back on a bed. Her legs are spread apart displaying her vaginal area in a lewd and lascivious manner

9. Your affiant also viewed the contents of the folder "lil" which was contained within a folder labeled "us history". A majority of the images contained within this folder depict prepubescent children engaged in sexually explicit poses and/or conduct. For example, the

following images were observed:

a. An image labeled “m4.jpg” depicts an approximately 3-4 year old female performing oral sex on the penis of an adult male.

b. An image labeled “nk35.jpg” depicts an approximately 3-4 year old female performing oral sex on the penis of an adult male.

c. An image labeled “nk41.jpg” depicts an approximately 3-4 year old female performing oral sex on the penis of an adult male.

d. An image labeled “nk86.jpg” depicts the penis of an adult male inserted into the anus of an approximately 3-4 year old female.

10. Based upon information and belief, WHITTAKERS’s computer was not manufactured in the State of New York.

Conclusion

11. Based upon the above information, there is probable cause to believe that CHANDLER WHITTAKER possessed child pornography on a computer within the Northern District of New York.

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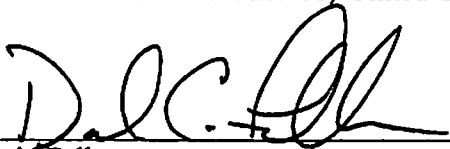
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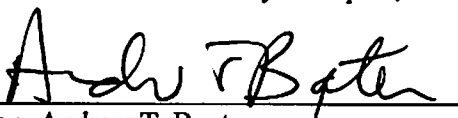
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WHEREFORE, I respectfully request that the Court issue a complaint charging CHANDLER WHITTAKER with a one count of a violation of Title 18, United States Code, Section 2252A(a)(5)(B).


David Fallon
Special Agent
Federal Bureau of Investigations

Sworn to me this 15th day of April, 2019.


Hon. Andrew T. Baxter
United States Magistrate Judge